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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,354	11/21/2003	William C. Maloney	K047 1140.2	3324
7590 10/18/2005				
MARK A. TIDWELL JACKSON WALKER L.L.P. 112 E. PECAN, SUITE 2100 SAN ANTONIO, TX 78205		EXAMINER TRIEU, VAN THANH		
		ART UNIT 2636 PAPER NUMBER		

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,354

Applicant(s)

MALONEY, WILLIAM C.

Examiner

Van T Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-760 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: in page 1, the Reference To Related Application section should include the claimed priority application No. 10/180,665 filed on 26 June 2002, now U.S. Patent No. 6,707,381.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 31-76 are rejected under 35 U.S.C. 102(b) as being anticipated by **Frederick** [US 6,788,997].

Regarding claim 31, the claimed an object tracking and control system comprising: a storage unit for receiving a plurality of trackable objects (the cabinet 550, 618, 622 or 624 for receiving a plurality of drawers/selves 620, 626, 628, see Figs. 57 and 61-63, abstract, col. 2, lines 22-30); and the plurality of trackable objects removably insertable into said storage unit (the drawers/selves 620, 626, 628 are removealby insertable into the cabinet 618, 622, 624, see Figs. 61-63, col. 3, lines 46-67); and the central controller remotely located from the storage unit (the remote controlled computers 86,

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324 and 336, see Figs. 13 and 40, see col. 8, lines 44-64, col. 16, lines 15-55 and col. 48, lines 1-16).

Regarding claim 32, the claimed communication between the storage unit and the central controller, see Figs. 13 and 40.

Regarding claim 33, the claimed communication link is a network connection (network 82 or 328, see Figs. 13 and 40).

Regarding claim 34, the claimed communication link is wireless connection (the wireless communication, see col. 8, lines 44-64).

Regarding claim 35, the claimed communication link is wireless LAN (the wireless communication LAN 82 or 328, see Figs. 13 and 40).

Regarding claim 36, the claimed network connection is the internet, which reads upon the modems for communicating between a plurality of computers 84, 86, 338, 424, 336 and 386 over the LAN networks 82 or 328, see Figs. 13 and 40).

Regarding claim 38, the claimed network connection is LAN (LAN 82 or 328, see Figs. 13 and 40).

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Regarding claim 39, the claimed plurality of storage unit (the plurality of refrigerators 450 or storages 550, see Figs. 50, 55 and 57).

Regarding claim 40, the claimed storage unit comprises a local controller (the local control microprocessor 166, see Fig. 4, col. 23, lines 8-23 and col. 24, lines 4-18).

Regarding claim 41, the claimed local controller is located in the storage unit (the microprocessor 166 is located in the circuit board 158 of the storage or the local electronic lock controller 300, see Figs. 4 and 55, col. 27, lines 21-67 and col. 28, lines 1-25).

Regarding claim 42, the claimed local controller is remotely located from the storage unit and remotely located from the central controller (the local display 338, touch screen 340 and keyboard 342 is remotely from the cabinet 344 and the administrator's workstations 336, see Fig. 40, col. 48, lines 13-38).

Regarding claim 43, the claimed local controller has a network connection, see Figs. 13 and 40.

Regarding claim 44, the claimed storage unit comprises a wireless communication device (the device 348 is IR or other wireless types, see Fig. 40, col. 61, lines 47-67 and col. 62, lines 1-67).

Regarding claim 45, the claimed local controller in communication with the central controller via the communication link, see Figs. 13 and 40.

Regarding claim 46, the claimed central controller is a control computer (the computer 86 or 336, see Figs. 13 and 40).

Regarding claim 47, the claimed local controller is a local computer (the local controller 300, a local wireless 348 and/or local display 338 with touch screen 340 and keyboard 342, see Fig. 40, see col. 27, lines 66-67).

Regarding claim 48, the claimed storage unit comprises a storage cabinet (the cabinet 550, see Fig. 57).

Regarding claim 49, the claimed each of the trackable objects is associated with an asset to be tracked (the of the drawers/selves 620, 626 and 628 contains medical items, drugs or pills, see Figs. 61-63, col. 36, lines 4-39).

Regarding claim 50, all the claimed subject matters are cited in respect to claims 31, 41, 45 and 46 above, and including each trackable object having an upper portion and lower portion (the drawer 620, 626, 628 or 638 having upper and lower portion for sliding or inserting into brackets 566 of the cabinet 550 via drawer guide 574, see Figs.

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57 and 61-64, col. 35, lines 31-67 and col. 36, lines 1-56); and having an array of sockets, each socket configured to receive the lower portion of a trackable object (the inserting brackets 566 for receiving the bottom portion of the drawer, see Fig. 57, col. 35, lines 31-66); and the local controller is electrical communication with the socket (the sensor 484 electrically connected between the cabinet 450 or 550 for signaling of opening or closing of a particular drawer to the connected computer 84 or device in the system, see Figs. 50, 52 and 57, col. 29, lines 47-52, col. 30, lines 60-67, col. 31, lines 1-67 and col. 32, lines 1-30).

Regarding claim 51, all the claimed subject matters are cited in respect to claims 36 and 50 above.

Regarding claim 52, all the claimed subject matters are cited in respect to claims 35 and 50 above.

Regarding claim 53, all the claimed subject matters are cited in respect to claims 39 and 50 above.

Regarding claim 54, all the claimed subject matters are cited in respect to claim 31 above, and the tangible object (the drawers or selves 620, 626, 628, see Figs. 61-63.

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Regarding claim 55, all the claimed subject matters are cited in respect to claims 31 and 36 above.

Regarding claim 56, all the claimed subject matters are cited in respect to claims 43, 45 and 55 above, see Figs. 13 and 40.

Regarding claim 57, all the claimed subject matters are cited in respect to claim 55 and 56 above, and including the inventory (the control computer 84 will update to indicate the units of inventory added to each of the storage location, see col. 24, lines 36-38).

Regarding claim 58, all the claimed subject matters are cited in respect to claims 55 and 56 above, see Figs. 13 and 40.

Regarding claim 59, the method claimed limitations are met by the apparatus claim 31 above.

Regarding claim 60, all the claimed subject matters are cited in respect to claims 42, 43 and 59 above.

Regarding claim 61, all the claimed subject matters are cited in respect to claims 43-47 and 59 above.

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Regarding claim 62, the claimed transmitting an alarm to the monitoring computer based on the unauthorized removal of an object from the storage unit (the alarm, see col. 27, lines 49-65).

Regarding claim 63, all the claimed subject matters are cited in respect to claim 62 above.

Regarding claim 64 all the claimed subject matters are cited in respect to claims 36 and 59 above.

Regarding claim 65, all the claimed subject matters are cited in respect to claims 35 and 59 above.

Regarding claim 66, all the claimed subject matters are cited in respect to claims 44 and 64 above.

Regarding claim 67, all the claimed subject matters are cited in respect to claims 34 and 59 above.

Regarding claim 68, all the claimed subject matters are cited in respect to claims 62 and 59 above.

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Regarding claim 69, all the claimed subject matters are cited in respect to claims 63 and 59 above.

Regarding claim 70, all the claimed subject matters are cited in respect to claims 63 and 59 above.

Regarding claim 71, all the claimed subject matters are cited in respect to claims 46, 57 and 64 above.

Regarding claim 72, all the claimed subject matters are cited in respect to claims 46, 58 and 64 above.

Regarding claim 73, all the claimed subject matters are cited in respect to claims 46, 56 and 64 above.

Regarding claim 74, all the claimed subject matters are cited in respect to claims 62 and 64 above.

Regarding claim 75, all the claimed subject matters are cited in respect to claims 36 and 71 above.

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Regarding claim 76, the method claimed limitations are met by the apparatus claims 31 and 54 above.

Conclusion


3. A new ground of rejection based on the Amendment filed on 25 July 2005 to cancel all the claims 1-30 and adding a new set of claims 31-75.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McGrady discloses a system for monitoring and dispensing medical items including a plurality of hook registers and cabinets with sensors to sense the removal or addition of a medical item to the storage location over the communication network. [US 6,470,234]

5. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (571) 272-2981.



Van Trieu
Primary Examiner
Date: 10/14/05